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14 Attorneys for Defendants SmileDirectClub,
15 LLC, SDC Financial LLC, SmileDirectClub,
16 Inc., David Katzman, Steven Katzman,
17 Jeffrey Sulitzer, Sulitzer Professional
18 Corporation, Alex Fenkell, Jordan Katzman,
19 and Camelot Venture Group

20 **IN THE UNITED STATES DISTRICT COURT**

21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 ALIGN TECHNOLOGY, INC.,

23 Case No. 23-cv-00023-EMC

24 Plaintiff,

25 **STIPULATION AND [PROPOSED] ORDER**
26 **CONTINUING INITIAL CASE**
27 **MANAGEMENT CONFERENCE 2 WEEKS**

28 v.
29
30 SMILEDIRECTCLUB, LLC; SDC
31 FINANCIAL LLC; SMILEDIRECTCLUB,
32 INC; DAVID KATZMAN; STEVEN
33 KATZMAN; JEFFREY SULITZER;
34 SULITZER PROFESSIONAL
35 CORPORATION; ALEX FENKELL;
36 JORDAN KATZMAN; CAMELOT
37 VENTURE GROUP,

38 Defendants.

STIPULATION AND [PROPOSED] ORDER

Defendants SmileDirectClub, LLC; SDC Financial, LLC; SmileDirectClub, Inc.; David Katzman; Steven Katzman; Jeffrey Sulitzer; Jeffrey Sulitzer, DMD, Professional Corporation; Alex Fenkell; Jordan Katzman; and Camelot Venture Group (“Defendants”), on the one hand, and Plaintiff Align Technology, Inc. (“Align”), on the other hand, by and through their undersigned counsel, hereby stipulate and agree as follows, subject to order of the Court:

WHEREAS, Defendants' motions to dismiss the Complaint (Dkts. 50, 51) are scheduled to be heard on May 4, 2023;

WHEREAS, the Joint Case Management Statement is due by May 2, 2023 (Dkt. 42);

WHEREAS, the Initial Case Management Conference is set for May 9, 2023 (Dkt. 42);

WHEREAS, the Court's guidance on and/or resolution of the Defendants' motion to dismiss could impact the parties' positions, and, thus, the contents of the Joint Case Management Statement and what will be discussed at the Initial Case Management Conference;

WHEREAS, to conserve the parties' and the Court's resources, the parties agree that the Court should continue the Initial Case Management Conference by two weeks to May 23, 2023, which would make the Joint Case Management Statement due by May 16, 2023;

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to approval by the Court, that the May 9, 2023 Initial Case Management Conference be continued to May 23, 2023, with the deadline to file Joint Case Management Statement continued from May 2, 2023 to May 16, 2023.

Dated: April 25, 2023

Respectfully submitted,

By: s/ Jameson Jones

Jameson Jones (*pro hac vice*)
BARTLIT BECK LLP

By: s/Krista M. Enns

KRISTA M. ENNS (CA 206430)
BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP

Attorneys for Plaintiff, Align Technology,
Inc.

Attorneys for Defendants SmileDirectClub,
LLC, et al.

1
2 **ATTESTATION**
3

4 I am the ECF user filing the foregoing Stipulation and [Proposed] Order. Pursuant to Civil L.R.
5-1(h)(3), I hereby attest that each of the other signatories has concurred in the filing of this document.
5

6 DATED: April 25, 2023
7

8 BENESCH, FRIEDLANDER, COPLAN &
9 ARONOFF LLP
10

11 By: s/Krista M. Enns
12

13 Attorneys for Defendants
14

15 **[PROPOSED] ORDER**
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17 PURSUANT TO STIPULATION, IT IS SO ORDERED.
18

19 EDWARD M. CHEN
20 United States District Judge
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